

AGENDA
DANIA BEACH CITY COMMISSION
SPECIAL MEETING
TUESDAY, MAY 31, 2011 – 6:00 P.M.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYIST REGISTRATION REQUIRED. REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY THE COMMISSION ON ANY PETITION OR ISSUE PURSUANT TO ORDINANCE # 01-93. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE IN THE ADMINISTRATION CENTER.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE, 100 W. DANIA BEACH BOULEVARD, DANIA BEACH, FL 33004, (954) 924-6800 EXTENSION 3624, AT LEAST 48 HOURS PRIOR TO THE MEETING.

IN CONSIDERATION OF OTHERS, WE ASK THAT YOU:

- A. PLEASE TURN CELL PHONES OFF, OR PLACE ON VIBRATE. IF YOU MUST MAKE A CALL, PLEASE STEP OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
 - B. IF YOU MUST SPEAK TO SOMEONE IN THE AUDIENCE, PLEASE SPEAK SOFTLY OR GO OUT INTO THE ATRIUM, IN ORDER NOT TO INTERRUPT THE MEETING.
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1. Call to Order/Roll Call

2. Public Hearing

ORDINANCE #2011-017

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES BY CREATING CHAPTER 16 "VACATION RENTALS" OF THE CODE OF ORDINANCES, IN ORDER TO PROVIDE FOR REGULATIONS OF "VACATION RENTALS" AS DEFINED WITHIN HOUSE BILL 883; PROVIDING FOR A MINIMUM REQUIRED RENTAL PERIOD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

3. Resolution #2011-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA ESTABLISHING AN ANNUAL VACATION RENTAL CERTIFICATE FEE FOR VACATION RENTAL OPERATORS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

4. Adjournment

ORDINANCE NO. 2011-017

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES BY CREATING CHAPTER 16 “VACATION RENTALS” OF THE CODE OF ORDINANCES, IN ORDER TO PROVIDE FOR REGULATIONS OF “VACATION RENTALS” AS DEFINED WITHIN HOUSE BILL 883; PROVIDING FOR A MINIMUM REQUIRED RENTAL PERIOD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Dania Beach (“City Commission”) finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, rental of residential dwelling units to transient visitors (“vacation rentals”) can result in incompatible adverse impacts on neighborhoods including, but not limited to, increased noise, garbage, litter and traffic, changes to the private residential character of the neighborhood, the uncertainty and instability of the identity of occupants of neighboring properties, and a decline in the shared sense of community; and

WHEREAS, the City Commission finds that vacation rentals increase demands on water and wastewater and on the City’s code enforcement, police, fire and emergency services, beyond those demands created by residential dwelling units, thereby requiring the City to increase its spending and collection of ad valorem tax revenues to fund these services; and

WHEREAS, the primary reasonable investment-backed expectation of owners of residential dwelling units in the City is the use of that unit as a residence, and not as a vacation rental; and

WHEREAS, it is not the intent of this Ordinance to restrict or regulate the length or term of rental of dwelling units for residential purposes, and the City Commission finds that a rental period of at least thirty days or one calendar month is a residential use; and

WHEREAS, short rental periods to transient occupants is a use that is more commercial in nature, that is best accommodated by hotels, motels and timeshares; and

WHEREAS, the City Commission finds that a regulation requiring a minimum vacation rental period of no fewer than five (5) days will contribute to the stability of existing residential neighborhoods, because it is a use that is compatible with the residential dwellings in single family and multi-family zoning districts; and

WHEREAS, regulation of vacation rentals will protect visitors to the City by assuring that fire and safety inspections are periodically conducted, requiring that they receive necessary information about the dwelling which they have rented, and notifying them of the owner of the dwelling's obligation to provide for their safety and welfare; and

WHEREAS, regulation of vacation rentals is necessary in order to protect the public health, safety, and welfare of the City, its residents and its visitors, and the City Commission therefore seeks to update and amend its regulation of rental properties; and

WHEREAS, Section 509.032(7), Florida Statutes, as amended by House Bill 883 (2011) provides that a local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy; however, this preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of the public hearing; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above; and

WHEREAS, the City Commission finds that enactment of these revisions through its police powers will protect the public health, safety, and welfare of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. That Chapter 16 “Vacation Rentals” of the Code of Ordinances is created to read as follows:

Sec. 16-1. Definitions.

As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Vacation rental shall mean any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family or four-family house or dwelling unit which is also a “transient public lodging establishment.”

Transient public lodging establishment means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Sec. 16-2. Vacation rentals.

(a) *Applicability.* This chapter shall apply to a vacation rental, as defined in Section 16-1, of a single-family dwelling, a two-family dwelling, a three-family dwelling, or a four-family dwelling. This chapter shall not apply to vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes more than four (4) individual dwelling units within such building or group of buildings.

(b) *Vacation rentals prohibited unless in compliance with this chapter.* No person shall rent or lease all or any portion of a dwelling unit as a vacation rental as defined in Section 16-1 without first (i) obtaining a business tax receipt from the City pursuant to Chapter 15 of the Code, and (ii) complying with the regulations contained in this Chapter. No person shall allow occupancy or possession of all or any portion of a dwelling unit as a vacation rental if the dwelling is in violation of any zoning, building, housing, density, life/safety and fire codes or regulations.

(c) *Prohibition.* No person shall allow occupancy or possession of all or any portion of a dwelling unit as a vacation rental for fewer than five (5) consecutive days.

(d) *Vacation rental certificate.* Any property owner, who wishes to use his or her dwelling unit as a vacation rental, must first apply for and receive a vacation rental certificate from the City, and renew the certificate annually for as long as the unit is used as a vacation rental. Each dwelling unit used as a vacation rental requires a separate vacation rental certificate. An annual certificate fee shall be paid for each dwelling unit certified as a vacation rental, in an amount to be determined by resolution of the City Commission, to cover the costs of administration of the certificate and inspection program. Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the certificate, in accordance with the requirements contained herein.

(e) Application for a vacation rental certificate. Each property owner seeking a vacation rental certificate, or renewal of a vacation rental certificate, shall submit an application in a form specified by the City Manager or designee, along with an application fee in an amount to be determined by resolution of the City Commission. At a minimum, the application shall include all of the following:

1. The name, address and phone number of the owner(s) of record of the dwelling unit for which a certificate is sought; and
2. The address of the unit to be used as a vacation rental; and
3. The name, address and phone number of the designated vacation rental agent; and
4. The owner's sworn acknowledgement that he or she has received a copy of this chapter, has reviewed it and understands its requirements; and
5. Proof of compliance with Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), Florida Statutes, and Rules 69A-43 (Uniform Fire Safety Standards for Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention Code), Florida Administrative Code, where applicable; and
6. A copy of the City's inspection report; and
7. A sketch of the vacation rental property's floor plan and site, including parking areas; and
8. The number and location of designated parking spaces legally available for occupants of the vacation rental, excluding public parking spaces; and
9. An indication of whether pets will be allowed in the vacation rental; and
10. The owner's agreement to use his or her best efforts to assure that the vacation rental use of the dwelling unit will not disrupt the residential character of the neighborhood, and

will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences; and

11. Any other information that this section, or any rules and procedures for implementation of this section, requires the owner to provide to the City as part of application for or renewal of a vacation rental certificate.

(f) *Inspections/Re-inspections of vacation rentals.*

1. An inspection of the dwelling unit for compliance with zoning, building, housing, density, life/safety and fire codes or regulations is required prior to issuance of a vacation rental certificate. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the vacation rental certificate as provided herein. A combined inspection can be requested for purposes of the business tax receipt and the vacation rental certificate for the vacation rental unit.

2. Dwelling units used for vacation rentals must be properly maintained and must be re-inspected annually.

3. If the inspector(s) has made an appointment with the property owner to complete an inspection, and no adult person was at the dwelling unit to admit the officer at the scheduled time, the applicant shall be charged a “no show” fee in an amount to be determined by resolution of the City Commission to cover the expense incurred by the City.

4. If the inspector(s) is denied admittance by the property owner, or if the inspector(s) fails in at least three attempts to complete an initial or renewal inspection of the dwelling unit because there was no adult person present to admit him or her, the inspector(s) shall provide notice of failure of inspection to the property owner by certified mail or other

legal service to the address shown on the existing vacation rental certificate or the application for vacation rental certificate. Within ten (10) days after receipt or refusal of such notice, the property owner shall arrange for the inspector(s)' access to the dwelling unit for the completion of the required inspection.

(g) Code violations.

1. If an owner of a dwelling unit used for vacation rentals has been cited and found to be in violation of a zoning, building, housing, density, life/safety or fire code or regulation by the county court or code enforcement special magistrate, the order of the court or special magistrate shall include payment of an administrative fee for each required inspection or re-inspection of the dwelling unit in an amount to be determined by resolution of the City Commission. The required inspection fees shall be included as part of the administrative costs assessed by the City and shall be included in any liens filed by the City.

2. Each day of renting a dwelling unit for vacation rental use without having a vacation rental certificate shall constitute a separate and distinct violation of this section.

(h) Vacation rental agent.

1. The property owner shall designate a vacation rental agent on its vacation rental certificate application or renewal, and provide the agent's name, address and phone number. The property owner may serve as the vacation rental agent. Alternatively, the owner may designate as his or her agent any natural person 18 years of age or older, who is (i) customarily present at a business location within the City for the purposes of transacting business, or (ii) actually resides within the City. In order to be designated a

vacation rental agent, a person must first present the City with written certification that he or she agrees to perform the duties specified in 2. below.

2. The duties of the vacation rental agent are to:

(i) be available at the listed phone number twenty-four (24) hours a day, seven (7) days a week to handle any problems arising from the vacation rental use; and

(ii) be able and willing to come to the vacation rental dwelling unit within three (3) hours following notification from the City of issues related to the vacation rental; and

(iii) receive service of any notice of violation of this chapter; and

(iv) monitor the vacation rental dwelling unit at least weekly to assure continued compliance with the requirements of this chapter.

3. Vacation rental agent status may be suspended or revoked by the City Manager if a vacation rental agent fails to perform any of the above-listed duties, after proper notice and hearing. The City shall maintain a written record of its contacts with vacation rental agents, including a notation of whether the agent responded within the three (3) hours and how the issue was resolved.

(i) *Suspension.* The City Manager may suspend a person's vacation rental agent status for any or all vacation rental property in the City for minor violations for a period of time not to exceed three (3) months, or until certain conditions have been complied with or violations cured.

(ii) *Revocation.* The City Manager may revoke a person's vacation rental agent status for all vacation rental property in the City for major or repeated violations. After revocation of a property owner's vacation rental certificate, the owner shall

not reapply for a vacation rental agent status for any vacation rental property in the City until the basis for the revocation has been resolved and in no event prior to six (6) months following the date of revocation.

4. An owner may change his or her designation of a vacation rental agent temporarily or permanently; however, there shall only be one (1) vacation rental agent for each vacation rental property at any given time. To change the designated agent, the owner shall notify the City in writing of the name, contact information and certifications required in (h)1. above for the new vacation rental agent and pay the applicable fee, if any, determined by resolution of the City Commission. Any notice of violation or legal process which has been delivered or served upon the previous vacation rental agent, prior to the City's receipt of notice of change of the vacation rental agent, shall be deemed effective service.

5. It shall be the sole responsibility of the property owner to appoint a reliable vacation rental agent and to inform the agent of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a vacation rental agent any person who does not expressly comply with the provisions of this section. The property owner or the vacation rental agent shall be deemed to be the "violation" of this section as the term is used in Section 162.06, Florida Statutes. Service of notice on the vacation rental agent shall be deemed service of notice on the property owner, tenant and violator.

6. A person may serve as a vacation rental agent for one or more vacation rental property owners if:

(i) the agent provides the City with written authorization from each owner represented; and

(ii) each authorization must state that the owner has received a copy of, has reviewed and understands this section; and

(iii) each owner must sign the authorization and acknowledge the requirements of this section.

(i) *Vacation rental occupants.*

1. Maximum occupancy of a dwelling unit for vacation rental use shall not exceed two (2) persons per bedroom plus two persons, but in no event shall the total occupancy of any single vacation rental dwelling unit exceed ten (10) persons or violate the minimum housing standards of Chapter 8 “Buildings” of this Code.

2. The occupant(s) of each vacation rental dwelling unit should receive a written copy of this chapter and the City’s pet, noise, and trash regulations.

3. The written agreement between the property owner and the occupant(s) should specify all of the following:

(i) the name of all persons who will be occupying the unit; and

(ii) the license tag numbers for all vehicles that the occupant(s) will be parking at the unit, with a total number not to exceed the number of legal parking spaces at the unit, as designated on the vacation rental certificate; and

(iii) the occupant(s)’ agreement to abide by all the requirements of this section, and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else without a new agreement being entered into between the new occupant(s) and the owner; and

(iv) the occupant(s)’ acknowledgement and agreement that violation of the agreement or this section may result in immediate termination of the agreement

and eviction from the vacation rental unit by the owner or resident agent, and potential liability for payment of fines levied by the City.

4. Occupants may only park in the spaces designated on the vacation rental certificate sketch.

5. All occupants must evacuate from the vacation rental upon posting of any nonresident evacuation order.

(j) *Vacation rental dwelling unit.*

1. There shall be posted, in the unit on or within ten (10) feet of the front door, all of the following information:

(i) The name, address and phone number of the vacation rental agent; and

(ii) The maximum occupancy of the unit; and

(iii) The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the parking spaces; and

(iv) The days of trash pickup, and a notice that trash shall not be left or stored outside the unit except after 6:00 pm on the day prior to pickup, and the trash containers shall be removed from the curb no later than 6:00 pm on the day of pickup; and

(v) The location of the nearest hospital and police station; and

(vi) A legible copy of the vacation rental certificate; and

(vii) A legible copy of this chapter; and

(viii) A legible copy of the agreement between the owner and the vacation rental occupant(s), for the duration of the rental period covered by that agreement.

2. Each vacation rental unit must contain the covered trash container(s) provided by the City's waste hauler. Placement of trash container(s) for curbside pickup shall be in compliance with City regulations.

Sec. 16-3. Revocation, suspension or transfer of vacation rental certificate.

(a) Violation of Section 16-2, after proper notice and hearing, shall provide a basis for revocation or suspension of a vacation rental certificate.

1. *Suspension.* The City Manager may suspend the vacation rental certificate for a specific period of time not to exceed six (6) months, or until certain conditions have been complied with or violations cured.

2. *Revocation.* The City Manager may revoke the vacation rental certificate. After revocation of a property owner's vacation rental certificate, the owner shall not reapply for a vacation rental certificate for any dwelling unit in the City until the basis for the revocation has been resolved and in no event prior to six (6) months following the date of revocation.

3. *Penalty.* If the property owner, after such revocation or suspension, thereafter continues to allow vacation rental use of the dwelling unit, each day of continued use shall be a continuing violation subject to a fine up to the maximum permitted by law per day, which fine shall result in a lien upon the vacation rental dwelling unit or other property of the owner as otherwise provided in this Code.

(b) *No limitation of remedies.* Nothing in this chapter shall limit the City from enforcement of its Code, state or federal law by any other legal remedy available to the City. Nothing in this chapter shall be construed to limit or supplant the power of the inspector(s), code enforcement officer or code enforcement special magistrate under the City's ordinances, rules and regulations

and the authority granted under state law, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or the City's ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.

(c) *Sale or transfer of dwelling unit used for vacation rentals.* Whenever a dwelling unit used for vacation rentals is sold or otherwise changes ownership and the new owner desires to use the unit for vacation rentals, the new owner must, prior to allowing any vacation rental use of the unit:

1. Schedule and obtain an inspection of the dwelling unit with the code compliance unit, and
2. Apply for a vacation rental certificate for the vacation rental use.

(d) *Rules and procedures.* The City Manager or designee may create rules and procedures to assist in the implementation of this chapter, including but not limited to a timeline and procedure for all existing vacation rentals to apply for and obtain their first vacation rental certificate pursuant to this Ordinance in a manner consistent with available staff resources.

(e) *Appeals.* A revocation or suspension of the vacation rental certificate, or of vacation rental agent status, by the City Manager may be appealed to the City Commission, as provided in this subsection.

1. *Applicability.* The owner of vacation rental property may file an appeal of a revocation or suspension of a vacation rental certificate. A person may file an appeal of a revocation or suspension of his or her vacation rental agent status.
2. *Filing of Appeal.* The appeal shall be filed within thirty (30) days of receiving notice of the revocation or suspension by certified mail, in a form specified by the City and

accompanied by an application fee in an amount to be determined by resolution of the City Commission. Failure to file an appeal within thirty (30) days shall constitute a waiver of all rights to appeal the revocation or suspension.

3. *Notice and Scheduling of Appeal Hearing.* The public hearing on the appeal shall be scheduled for the first available City Commission meeting following completion of the City's review and evaluation of the application or such other time as is mutually agreed upon between the applicant and the City Manager. If the appeal involves a vacation rental certificate, the property owner shall be responsible for providing mailed notice of the hearing to all property owners located within 300 feet of the vacation rental property.

4. *Appeal Hearing.* At the public hearing, the City Commission shall consider the appeal application, the relevant support materials, the City Manager's recommendations, and public testimony given at the hearing. If, at any time during the public hearing, the City Commission determines that the appeal is based upon incomplete or inaccurate information or misstatements of fact, it may deny the appeal or refer the application back to the City Manager for further review and revised recommendations. The City Commission shall presume the original decision of the City Manager was correct, and shall only overturn such decision where there has been an error of fact or law. At the close of the public hearing, the City Commission, by not less than a majority of the quorum present, shall approve a resolution granting, granting with conditions, or denying the appeal.

5. *Judicial Relief.* The applicant, or any aggrieved person who has opposed the appeal at the public hearing, may appeal the decision of the City Commission by filing a petition for writ of certiorari in the circuit court in and for Broward County, in accordance with

the procedures provided by the Florida Rules of Civil Procedure and the Florida Rules of Appellate Procedure.

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Dania Beach, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section,” “Article” or other appropriate word.

Section 5. That this Ordinance shall take effect immediately at the time of its passage and adoption.

PASSED on first reading on May 20, 2011.

PASSED AND ADOPTED on second reading on _____, 2011.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

PATRICIA A. FLURY
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY

RESOLUTION NO. 2011-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA ESTABLISHING AN ANNUAL VACATION RENTAL CERTIFICATE FEE FOR VACATION RENTAL OPERATORS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That an annual vacation rental certificate fee of \$_____ is established as prescribed in Section 16-2(d) of the City Code of Ordinances and is to be paid by each operator of a vacation rental business, as that business is defined in Section 16-1 of the City Code of Ordinances.

Section 2. That a vacation rental certificate application fee of \$_____ is established as provided in Section 16-2(e) of the City Code of Ordinances.

Section 3. That a “no show” fee of \$_____ is established in the event a City inspector is, by appointment, scheduled for an inspection for a possible issuance of a rental certificate, and the applicant does not appear for such appointment as described in Section 16-2(f) of the City Code of Ordinances.

Section 4. That an administration fee of \$_____ is established for each required inspection or re-inspection of the dwelling unit as prescribed by Section 16.2(g) of the Code of Ordinances.

Section 5. That an application fee of \$_____ is established for changes involving the appointment of any new rental agent as prescribed in Section 16-2(h)(4) of the Code of Ordinances.

Section 6. That an application fee of \$_____ is established for any filing of an appeal by an owner of the revocation or suspension of a vacation rental certificate or of his or her rental agent status as prescribed in Section 16-3(e)(2) of the Code of Ordinances.

Section 7. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 8. That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on _____, 2011.

ATTEST:

LOUISE STILSON, CMC
CITY CLERK

PATRICIA A. FLURY
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO
CITY ATTORNEY